

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

WP(C).No. 28296 of 2007(R)

**AGAINST I.A.589/07 IN
OS.226/2000 of MUNI-MAGI.COURT,PATTAMBI**
.....

PETITIONER:

**HAMZA,
S/O. VETTITHARAKKAL PUTHENPEEDIKAKKAL HYDROSE,
CHERUKUDANGADU AMSOM,KARAMBATHUR DESOM,
OTTAPALAM TALUK, PALAKKAD DISTRICT.**

**BY ADV. SRI.SANTHEEP ANKARATH
SMT.PRIYA VIJAYAN**

RESPONDENTS:

1. ANEES, AGED 17 YEARS, (MINOR)

2. PAYISS, AGED 13 YEARS, (MINOR)

**3. MARIYA UMMA,
W/O. VETTITHARAKKAL PUTHEN PEEDIYAKKAL KOYAMU HAJI
(MINOR RESPONDENTS 1 AND 2 ARE REPESENTED BY
GUARDIAN AND NEXT FRIEND MOTHER MARIYA UMMA (3RD
RESPONDENT) ALL RESPONDENT ARE RESIDING AT
CHERUKUDANGADU AMSOM,CHEMBALANGAD DESOM,**

BY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

M.N. KRISHNAN, J.

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W.P.C. NO. 28296 OF 2007

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Dated this the 25th day of September, 2007.

J U D G M E N T

This writ petition is preferred against the order of the Munsiff, Pattambi in I.A.589/07 whereby the Court declined to send signature in the photocopy of a document for comparison with the disputed signature. The photocopy produced is of a registered sale deed and when steps were taken to summon the original of the same it was not available to be produced and therefore the writ petitioner requested the Court to send the photocopy of the document for comparison of the signature. The Court below had stated that a photocopy of the document may not be strictly admissible in evidence and the signature contained in the photocopy are faded and therefore it will be only a futile attempt to do the same. There is considerable force in the said finding of the Court below. But, at the same time, if possible, the party must be given an opportunity to prove the signature. Therefore, I direct the petitioner to file an

application before the Court below to call for the signature which may be available in the Registrar's office. At the same time I also make it clear that if it is contained in a document which cannot be summoned by the Court by any provisions of law, then the Court necessarily has to abide by the same. But if it is otherwise possible, the Court may summon the same and then send it for the comparison of the signature. The Court shall here the other party also when an application is filed and dispose of the matter in accordance with law.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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